

1 David Healy, d/b/a FIRST IMAGE
2 in propria persona
3 349 Richardson Way
4 Mill Valley, CA 94941
5 (415) 388-7779

6 in propria persona for
7 Defendant FIRST IMAGE and DAVID HEALY,
8 an individual, doing business as FIRST IMAGE

FILED
FEB 4 2008
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 EDUCATIONAL CREDIT
12 MANAGEMENT CORPORATION,

13 Plaintiffs

14 v

15 FIRST IMAGE and DAVID HEALY,
16 an individual, doing business as FIRST IMAGE,

17 Defendants

CASE NO. CV 07-6297 *EMC*

ANSWER TO FIRST
AMENDED COMPLAINT

18 I, DAVID HEALY d/b/a FIRST IMAGE, respond to Plaintiff's FIRST AMENDED COMPLAINT as follows:

- 19 1. Let it be known that I never saw the original complaint if one was ever filed.
- 20 2. Plaintiff EDUCATION CREDIT MANAGEMENT CORPORATION has called me innumerable
- 21 times over the years and they have been repeatedly informed by both myself and debor, Sherry
- 22 L. Thomas, d/b/a Sherry Healy, of date of the discharge of the debt, as well as the United States
- 23 Bankruptcy Court case number: 39-0-3612KTC. For the specifics on proof of this statement,
- 24 please see the following exhibits:

25 **Exhibit A:** United States Bankruptcy Court "Final Report and Account" which shows all the student loan

26 debt incurred by debtor was included in the Chapter 13 bankruptcy plan (whose interests, at that

27 time, were represented by Chase Manhattan Bank and the Best Service Company, a collection

28 agency). Please note also that this Exhibit shows that the case plan commenced on 10/9/90, the

1 case plan was confirmed on 12/12/90, and that the case concluded on 7/20/92.

2 **Exhibit B:** United States Bankruptcy Court "Trustee's Final Report and Application for Discharge of
3 Trustee," which affirms "Plan Completed."

4 **Exhibit C:** United States Bankruptcy Court "Discharge of Debtor" by Bankruptcy Judge Thomas B. Carlson
5 dated 8/4/92.

6 **Exhibit D:** Letter dated 5/16/97 from "SallieMaeServicing" affirms that the student loan debt of Sherry
7 L. Thomas was discharged upon completion of her bankruptcy plan and that her credit reports
8 should be promptly updated to reflect that fact.

9 3. Plaintiff's allegation that I did not commence garnishing the wages of Sherry Lee Thomas a/k/a
10 Sherry Healy sometime in 1997—five years after completion of her bankruptcy Chapter 13 pay-
11 off plan—is without merit, because there was no debt remaining.

12
13 WHEREFORE, I, David Healy, d/b/a FIRST IMAGE, respectfully request that this Court grant
14 the following:

- 15 1. An order to dismiss this case;
- 16 2. An order demanding plaintiff to clear both my credit, as well as the credit of Sherry Lee
17 Thomas, a/k/a Sherry Healy, in relation to these erroneous claims of debt;
- 18 3. Attorneys fees if this case requires any further legal action on my behalf after this in propria
19 persona answer;
- 20 4. Punitive damages if you suspect this is an ongoing business practice of this plaintiff, so as to
21 prevent further wasting expensive time of both the court and innocent citizens;
- 22 5. Such other relief as the Court deems appropriate.

23
24 DATED: February 1, 2008

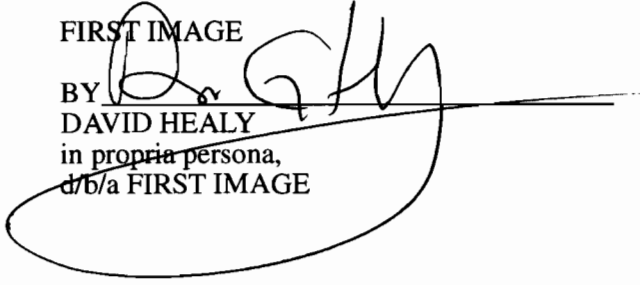
25 FIRST IMAGE
26 BY 
27 DAVID HEALY
28 in propria persona,
d/b/a FIRST IMAGE

Exhibit A

Duncan H. Kester, Trustee
 1800 Hamilton Avenue
 P.O. Box 50013
 San Jose, CA 95150
 (408)723-2045 FAX:(408)448-1971

IN THE UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF CALIFORNIA

IN RE:
 SHERRY LEE THOMAS
 665 3RD ST #200
 SAN FRANCISCO, CA

CASE NO. 39-0-3612KTC

94107

DEBTOR(S)

SSN(1)553-19-8676 SSN(2)000-00-0000

FINAL REPORT AND ACCOUNT

This case was commenced on Oct 9, 1990.
 The Plan was confirmed on Dec 12, 1990.
 The case was concluded on Jul 20, 1992.

THE SUBJECT CASE HAS BEEN COMPLETED AND THE DEBTOR IS ENTITLED TO A DISCHARGE.

Your trustee has maintained a detailed record of all receipts, including the source or other identification of each receipt and of all disbursements. Copies of these detailed records have been filed with the Court, or are attached hereto, and are incorporated by reference in this report.

RECEIPTS:

Amount paid to Trustee by of for Debtor for benefit of creditors. \$ 3,638.00

CREDITOR'S NAME	CLAIM AMT	PRIN PD	INT PD	BAL DUE
A M MILLER CLAIM NO. 0001	.00 CLASSIFICATION: UNSECURED	.00	.00 % ALLOWED: 20.00	.00
BECKETT & WATKINS CLAIM NO. 0004	1,529.93 CLASSIFICATION: UNSECURED	305.99	.00 % ALLOWED: 20.00	.00
CHARLES E SAVITT ESQ CLAIM NO. 0002	.00 CLASSIFICATION: UNSECURED	.00	.00 % ALLOWED: 20.00	.00
CITIBANK CLAIM NO. 0006	.00 CLASSIFICATION: UNSECURED	.00	.00 % ALLOWED: 20.00	NOT FILED
COUNTY CREDIT CONTROL CLAIM NO. 0005	.00 CLASSIFICATION: UNSECURED	.00	.00 % ALLOWED: 20.00	NOT FILED
FEDERAL BOND & COLLECTION CLAIM NO. 0007	.00 CLASSIFICATION: UNSECURED	.00	.00 % ALLOWED: 20.00	NOT FILED
FIRST INTERSTATE BANK CLAIM NO. 0008	2,004.26 CLASSIFICATION: UNSECURED	400.85	.00 % ALLOWED: 20.00	.00
MACYS CALIFORNIA CLAIM NO. 0010	713.71 CLASSIFICATION: UNSECURED	142.74	.00 % ALLOWED: 20.00	.00

CREDITOR'S NAME	CLAIM AMT	PRIN PD	INT PD	BAL DUE	
MITCHELL GOLD, ATTORNEY	.00	.00	.00	.00	
CLAIM NO. 0011	CLASSIFICATION: UNSECURED		% ALLOWED: 20.00		
NORTHERN PENINSULA ACCT	.00	.00	.00	NOT FILED	
CLAIM NO. 0009	CLASSIFICATION: UNSECURED		% ALLOWED: 20.00		
THE BEST SERVICE COMPANY	.00	.00	.00	NOT FILED	
CLAIM NO. 0012	CLASSIFICATION: UNSECURED		% ALLOWED: 20.00		
THE CHASE MANHATTAN BANK	10,863.12	2,172.62	.00	.00	
CLAIM NO. 0003	CLASSIFICATION: UNSECURED		% ALLOWED: 20.00		
SUMMARY OF CLAIMS ALLOWED AND PAID:					
	SECURED	PRIORITY	GENERAL	SPECIAL	TOTAL
AMT ALLOWED	.00	.00	15,111.02	.00	15,111.02
PRIN PAID	.00	.00	3,022.20	.00	3,022.20
INT PAID	.00	.00	.00	.00	.00

RETURNED TO THE DEBTOR: 21.74

OTHER DISBURSEMENT UNDER ORDER OF COURT:

DEBTOR'S ATTORNEY	FEE ALLOWED	FEE PAID
RONALD W HOLLAND	275.00	275.00

COURT COSTS AND

OTHER EXPENSES	FILING FEE	NOTICING FEE	TRUSTEE CMP	TRUSTEE EXP
OF ADMINISTRATION	.00	9.00	155.03	155.03

WHEREFORE, your Petitioner prays that a Final Decree be entered discharging your Petitioner as Trustee and releasing your Petitioner and the Trustee's surety from any and all liability on account of the within proceedings, and closing the estate, and for such other and further relief as is just.

DUNCAN H. KESTER, TRUSTEE

DATED: Jul 23, 1992

DUNCAN H. KESTER, TRUSTEE

Exhibit B

1800 Hamilton Ave.
P. O. Box 50013
San Jose, CA. 95150
(408) 723-2045
Facsimile (408) 448-1971

FILED

JUL 28 1992

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

**PAUL C. KARNEY, JR., CLERK
U.S. BANKRUPTCY COURT
SAN FRANCISCO, CA**

BANKRUPTCY CASE NO. 39-0-3612KTC
Chapter 13

IN RE: THOMAS

SHERRY LEE

553-19-8676

RECEIVED

JUL 31 1992

**DUNCAN H. KESTER
TRUSTEE CHAPTER 13**

DEBTOR(S)

PLAN COMPLETED

TRUSTEE'S FINAL REPORT AND APPLICATION FOR DISCHARGE OF TRUSTEE

The application of the Trustee herein respectfully represents: that the 20.00% plan proposed by the debtor herein and as confirmed by the Court has been completed by the debtor and therefore the debtor should be granted a discharge under Section 1328 of the Bankruptcy Code.

That the Final Report of the Trustee has been filed and that any distributions required has been duly made.

Wherefore, your petitioner prays that a final decree be entered discharging the debtor from all debts scheduled in his petition but excluding debts which are not dischargeable under Section 1328 of said Code, and discharging your petitioner as Trustee and releasing your petitioner and his surety from any and all liability upon their bond on account of the within proceedings, and closing the estate and for such other and further relief as is just.

DUNCAN H. KESTER, TRUSTEE

Date: JUL 23 1992

Duncan H. Kester, Trustee

ORDER

Good cause appearing,

IT IS ORDERED that Duncan H. Kester be and he hereby is discharged as Trustee of the above named debtor, and Duncan H. Kester and the surety on his bond be and they hereby are released from any and all liability upon such bond on account of the subject proceeding arising hereafter.

THOMAS E. CARLSON

Date: JUL 28 1992

Bankruptcy Judge

Exhibit C

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

P40008951 31

CHAPTER: 13
IN RE: SHERRY LEE THOMAS CASE NUMBER: 3-90-03612K TC
665 3RD STREET, #200 SSN/ID:
SAN FRANCISCO, CA 94107 553-19-8676

SHERRY LEE THOMAS
665 3RD STREET, #200
SAN FRANCISCO, CA 94107

D I S C H A R G E O F D E B T O R

AN ORDER FOR RELIEF HAVING BEEN ENTERED IN THE CASE OF THE INDIVIDUAL ABOVE-NAMED, A PLAN HAVING BEEN CONFIRMED BY THE COURT. ALL PAYMENTS UNDER THE PLAN HAVING BEEN COMPLETED BY THE DEBTOR, AND THE COURT NOT HAVING APPROVED ANY WRITTEN WAIVER OF DISCHARGE EXECUTED BY THE DEBTOR SUBSEQUENT TO THE ORDER FOR RELIEF.

I T I S O R D E R E D T H A T:
THE DEBTOR BE AND HE HEREBY IS DISCHARGED FROM ALL DEBTS PROVIDED FOR BY THE PLAN OR DISALLOWED UNDER 11 U.S.C. SEC. 502, EXCEPT ANY DEBT

- (1) PROVIDED FOR UNDER 11 U.S.C. SEC. 1322(B)(5);
- (2) OF A KIND SPECIFIED IN 11 U.S.C. SEC. 523(A)(5);
- (3) BASED ON AN ALLOWED CLAIM FILED UNDER 11 U.S.C. SEC. 1305(A)(2) IF PRIOR APPROVAL BY THE TRUSTEE OF THE DEBTOR'S INCURRING SUCH DEBT WAS PRACTICABLE AND WAS NOT OBTAINED, AND THE COMMENCEMENT, CONTINUATION OR EMPLOYMENT OF ANY ACTION, PROCESS OR ACT TO COLLECT, RECOVER OR OFFSET AS A PERSONAL LIABILITY OF THE DEBTOR OR FROM PROPERTY OF THE DEBTOR ANY DEBT DISCHARGED UNDER TITLE 11, UNITED STATES CODE, WHETHER OR NOT THE DISCHARGE OF SUCH DEBT WAS WAIVED BE AND IT HEREBY IS ENJOINED.

SHERRY LEE THOMAS
665 3RD STREET, #200
SAN FRANCISCO, CA 94107

DATED AUGUST 4, 1992 AT SAN FRANCISCO
BY THE COURT

THOMAS E. CARLSON,
BANKRUPTCY JUDGE

Exhibit D

SallieMaeServicing
C O R P O R A T I O N
CENTRALIZED BANKRUPTCY

May 16, 1997

Re: 553-19-8676

Sherry L. Thomas
269 Andover Street
San Francisco, CA 94110-5609

VIA FACSIMILE

Dear Ms. Thomas:

This letter is to confirm the fact that your student loans which were recently transferred to Sallie Mae have been found to be eligible for write-off due to bankruptcy. Your account balance should be deleted by the end of this month. Credit bureaus will be updated at that time.

If there any additional questions or concerns, please write to the address below or call (800) 251-4127.

Sincerely,



Jane Powell
Senior Bankruptcy Analyst